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7

8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA (FRESNO)

10 FLAGSHIP WEST, LLC, a California
11 limited liability company, MARVIN G.
REICHE, and KATHLEEN REICHE,

12 Plaintiffs,

13 v.

14 EXCEL REALTY PARTNERS, L.P., a
15 Delaware limited partnership, NEW
PLAN EXCEL REALTY TRUST, INC.,
16 a Maryland corporation, and DOES 1
through 50, inclusive,

17 Defendants.
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Case No.: 1:02-CV-05200-LJO-DLB

**STIPULATION FOR VOLUNTARY
DISMISSAL PURSUANT TO FEDERAL
RULES OF CIVIL PROCEDURE, RULE
41(a)(A)(ii)**

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It is hereby stipulated by and between **FLAGSHIP WEST LLC and MARVIN G. REICHE and KATHLEEN REICHE** (collectively “**PLAINTIFFS**”) and **EXCEL REALTY PARTNERS LP and BRIXMOR LLC**, as successor in interest to **NEW PLAN EXCEL REALTY TRUST, INC.** (collectively “**DEFENDANTS**”), that the Second Amended Complaint filed by Plaintiffs and all claims asserted therein, be **DISMISSED WITH PREJUDICE**.

IT IS SO STIPULATED:

Dated: September 11, 2013

TRAINOR FAIRBROOK

By: /s/ John D. Fairbrook

JOHN D. FAIRBROOK, Attorneys for
Plaintiffs

Dated: September 19, 2013

/s/ Christopher N. Jones

CHRISTOPHER N. JONES, Attorney for
Defendants

ORDER

Based on the stipulation of the parties pursuant to Federal Rule of Civil Procedure, Rule 41(a)(A)(ii), Plaintiffs' Second Amended Complaint and all claims asserted therein are hereby **DISMISSED WITH PREJUDICE**. The clerk is directed to close this action.

IT IS SO ORDERED.

Dated: **September 19, 2013**

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE